

# TYPE III REVIEW/OPTIONAL SEPA AND LIKELY DETERMINATION OF NON-SIGNIFICANCE

(Form DS1302B)



## NOTICE OF DEVELOPMENT REVIEW APPLICATION (Type III) AND LIKELY SEPA DNS

The Clark County Department of Community Development has received an application for development review, as described below. This application is subject to public notice and a public hearing conducted pursuant to Clark County Code (CCC) Chapter 40.500, and other applicable laws as listed below. The County, as SEPA lead agency, expects to issue a **Determination of Non-Significance (DNS)**.

The Clark County Hearings Examiner will conduct the public hearing on **December 28, 2004 at 7:00 P.M.**, at **Public Service Center, 1300 Franklin St., Vancouver, Washington, Sixth Floor Suite 680** (see attached map). Parking is available in the parking garage on the north side of the Public Service Center (access off Franklin St.) after 6pm.

**Project Name:** 58<sup>TH</sup> STREET COTTAGES PUD SUBDIVISION

**Case Number:** PLD2004-00084; PUD2004-00006; SEP2004-00151;  
EVR2004-00077; EVR2004-00078; MZR2004-00171;  
ARC2004-00073

**Location:** 5816 NE 58<sup>th</sup> Street

**Request:** The applicant is requesting preliminary plat approval to subdivide approximately 7.9 acres into 68 lots using the planned unit development (PUD) in the R-12 and R-22 zone districts.

**Applicant:** Pacific Lifestyle Development  
Attn: Henry Gearhardt  
11815 NE 99<sup>th</sup> Street, Suite 1200  
Vancouver, WA 98682  
(360) 573-8081; E-mail: [henryg@pacificlifestylehomes.com](mailto:henryg@pacificlifestylehomes.com)

**Contact Person:** MGH Associates, Inc.  
Attn: Michael Birndorf  
104 West 9<sup>th</sup> Street, Suite 207  
Vancouver, WA 98660  
(360) 750-0399; E-mail: [michael.birndorf@mghassociates.com](mailto:michael.birndorf@mghassociates.com)

**Property Owner:** Charles R. Burgess  
Bernice M. Burgess  
5816 NE 58<sup>th</sup> Street  
Vancouver, WA 98661

Kimberly L. Legree  
6026 NE 58<sup>th</sup> Street  
Vancouver, WA 98661

Your response to this notice may be your only opportunity to comment on the environmental impacts of this proposal. However, the proposal may already include impact mitigation measures in conformance with adopted development standards and applicable laws noted below. In addition, the development review process may result in mitigation measures being incorporated or required as a condition of approval. A copy of the combined Development Review/SEPA Checklist Review Staff Report and SEPA Threshold Determination, when completed, will be available for viewing at the Customer Service Center, 1300 Franklin Street, Vancouver, and may be obtained upon request.

A SEPA threshold determination is required by state law and Clark County Code (CCC), Section 40.570.040. Based on a review of the submitted application materials, the County expects to issue a Determination of Non-Significance (DNS) for the proposal pursuant to the "optional DNS process" allowed by state law and CCC 40.570.040(D).

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**Staff Contact:** Michael Uduk, (360) 397-2375 ext. 4385

**Neighborhood Contact:** No Mapping; but a courtesy notice was mailed to:  
Neighborhood Advisory Committee of Clark County  
Art Stubbs, Vice Chair  
6804 NE 86<sup>th</sup> Court  
Vancouver, WA 98662

**Legal Description of Property:**

Tax Lots 5 (156426) and 43 (156462) in the SW ¼ of Section 7, Township 2 North, Range 2 East of the Willamette Meridian.

**Plan/Zone Designation:**

Mixed Use (MU); Urban Medium (MU) / R-12; R-22, respectively

**Approval Standards/Applicable Law:**

Clark County Code Chapter 40.350 (Transportation), 40.350.020 (Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), 40.570.080 (SEPA), 40.570.080 (C) (3) (k) (Historic & Cultural Preservation), 40.540.040 (Land Division

Ordinance), 40.520.080 (Planned Unit Development), 40.220.020 (Residential Districts, R-12; R-22), 40.610 (Impact Fees), 40.370.010 (D) (Sewer Connection), 40.370.020 (D) (Water Connection), 40.500 (Process), RCW 58.17 (State Land Division Laws)

### **Application & Fully Complete Date:**

Application Filed: September 20, 2004

Fully Complete: October 12, 2004

### **SEPA Options:**

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be mitigated through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

### **Timelines/Process:**

Decisions on Type IIT Applications are made within 92 calendar days of the Fully Complete date (noted above), unless placed on hold for the submittal of additional information. Information regarding this application can be obtained by contacting Michael Uduk at (360) 397-2375, Ext. 4385, or the Public Service Center, Development Services Division, 1300 Franklin Street, Vancouver, Washington. Office hours are from 8:00-5:00 p.m., Monday through Friday.

Comments received by November 12, 2004 will be considered in the Staff Report.

Note: If an accurate mailing address for those submitting comment is not included, they will not qualify as a "Party of Record" and, therefore, will not have standing to appeal the decision.

### **Public Testimony Process:**

Any person wishing to present testimony should arrive by **7:00 p.m.** at the Public Service Center, 6<sup>th</sup> floor, 1300 Franklin Street, Vancouver, Washington.

### **Faxed & Written Testimony:**

Testimony can be faxed to the Development Services Division at (360) 397-2011, Attn: Rosie Hsiao. Written testimony can be mailed or hand delivered to the Development Services Division, Clark County Community Development, 1300 Franklin Street, PO Box 9810 Vancouver, WA 98666-9810.

Faxed, mailed or delivered testimony must be received at the Community Development Customer Service Center by **1:00 P.M., the day of the hearing**. Other written or verbal testimony may be presented and considered at the public hearing.

Note: If an accurate mailing address for those submitting comment is not included, they will not qualify as a "Party of Record" and, therefore, will not have standing to appeal the decision.

### **Appeals:**

Appeals of the SEPA threshold determination must be made in writing and accompanied by a **\$186** appeal fee, within fourteen (14) calendar days of the issuance of the threshold determination. NOTE: This notice does NOT constitute a threshold determination. It is only the notice of a potential determination that will be made after the comment period expires.

Appeal procedures for SEPA decisions can vary according to the type of decision being reached. Please contact the Community Development Department with questions about appeals.

### **Public Comment:**

The public is encouraged to comment on this proposal. Comments received by the closing date noted below will be considered in the final SEPA threshold determination and development review staff report. This notice is intended to inform potentially interested parties about the application and invite written comments regarding any concerns.

No additional comment period will be provided, unless probable significant environmental impacts are identified during the review process that would require additional study or special mitigation.

Anyone who submits comments to the County in response to this notice will be considered a party of record and will be mailed a copy of that staff report and determination.

Please address your comments to:

**Attn: Michael Uduk  
Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011  
Web Page at: <http://www.clark.wa.gov>**

Or contact [Michael.uduk@clark.wa.gov](mailto:Michael.uduk@clark.wa.gov)

**Date of this Notice: October 29, 2004**

<p><b><u>Closing Date for Public Comments:</u></b> <b>November 12, 2004</b></p>
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*(This notice is being provided to agencies with jurisdiction, including the Department of Ecology, affected tribes, and local agencies whose services would be impacted by implementation of this proposal.)*

**Attachments:**

- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan